

DAVIS BACON ACT

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

The law requires employers to display this poster where employees can readily see it.

PREVAILING WAGES

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

RETALIATION

The law prohibits discharging or otherwise retaliating against workers for filing a complaint, cooperating in an investigation, or testifying in a proceeding under the Davis-Bacon and Related Acts.

PROPER PAY

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below.



*Name of Contractor
EEO Officer &
Contact Information*

or contact the U.S. Department of Labor's Wage and Hour Division.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243

TTY: 1-877-889-5627

www.dol.gov/whd

WH1321 REV 10/17



LaborLawCenter

November 2016, 1-866-487-9243 or visit www.LaborLawCenter.com
Poster ID: 909999

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MaineDOT

DAVIS BACON ACT PRESENTATION FALL 2024

Civil Rights Office
Small, but Mighty

MaineDOT Civil Rights Office

Davis Bacon Act Presentation

Local Project Administration – Fall 2024

What Is Davis-Bacon?

Robert Bacon



James Davis





James Davis started as a **puddler** in the steel industry. He served as US Secretary of Labor prior to his election as a US Senator. He was active in the Loyal Order of Moose War Relief effort. He successfully urged US Steel to abandon 12-hour workdays.



Robert Bacon worked in the US Treasury served in the House of Representatives before serving in the military rising to Colonel. He tried to regulate the use of alcohol, but it failed at the time.

The Davis Bacon Act

- Established in 1931 by James Davis and Robert Bacon. Amended 1935 & 1964.
 - Contractor in Alabama employed low wage labor from the South, causing outrage among the local construction workers.
 - Enacted to ensure workers on projects were paid a fair wage. Amended in 1964 to include fringe benefits.
- Federal wage regulations that apply any federal contract in excess of \$2,000.
- On the construction, alteration, or repair of public buildings or public works.
- Davis Bacon Related Acts applies to most federally assisted construction, such as the Federal Aid Highway Act.

WHAT IS A PUDDLER?

Two options are correct – which are they?

- a. A person who tries to sell wares*
- b. A shallow container of water and nutrients for butterflies.*
- c. Worker that turns pig iron into wrought iron.*
- d. Someone who likes to jump in puddles*

Davis Bacon Act (DBA) & Related Acts (DBRA)

US DOL “modernized” the DBA/DBRA as of October 23, 2023.

From the Final Rule: “The Davis Bacon Act and now more than 70 active Related Acts apply to an estimated \$217B in Federal & federally assisted construction spending...providing minimum wages rates for an estimated 1.2M construction workers.”

The Final Rule is explained on the US DOL website along with frequently asked questions and an informative comparison chart.

<https://www.dol.gov/agencies/whd/government-contracts/construction/rulemaking-davis-bacon>

Davis Bacon Related Acts

DBRA requires the “Payment of locally prevailing wages and fringe benefits on federally funded/assisted projects to all laborers and mechanics.”



DAVIS BACON GENERAL GUIDANCE

The US DOL Wage & Hour Division website has various guidance on the Davis Bacon and Related Acts along with several fact sheets readily available on the website at:

<https://www.dol.gov/agencies/whd/government-contracts/construction/guidance>

- Prevailing Wage Book
- Contract Work Hours & Safety Standards Act Guide (CWHSSA)
- Apprenticeship and much more

Davis – Bacon & Related Acts Fact Sheets

<https://www.dol.gov/agencies/whd/government-contracts/construction/fact-sheets>

- Government Contracts
- Fair Labor Standards Act
- Additional Information

DEPARTMENT OF LABOR – IMPORTANT WAGE & HOUR DIVISION FACT SHEET INFORMATION

FACT SHEET #	TOPIC	BRIEF EXPLANATION
66	Davis Bacon & Related Acts	Prevailing wages and benefits to laborers and mechanics working on federally-funded construction projects.
66A	Bipartisan Infrastructure Law	How the Davis-Bacon and Related Acts applies to different types of federal or federally assisted construction projects.
66B	Davis Bacon Interplays with McNamara – O’Hara Service Act, Walsh – Healey Public Contracts Act.	Details the requirements and interactions between three government contract statutes
66C	DBRA: Labor Standards Clauses & Subcontract Agreements	Obligations of contractors under the Davis-Bacon and Related Acts (DBRA) to include specific labor standards clauses and wage determinations in subcontract agreements.
66D	General Wage Determinations to DBRA Projects	Wage and Hour Division (WHD) providing general wage determinations for most counties.
66E	DBRA & Fringe Benefits Requirements	Ensure that workers on federally funded construction projects receive prevailing wages, comprising both hourly rates and fringe benefits.
67	McNamara – O’Hara Service contract Act	Requires contractors and subcontractors to pay prevailing wages and benefits to service employees working on certain federal contracts.

Davis Bacon & Related Acts

- Applies to all laborers and mechanics performing manual or physical work.
- To be paid fair wages, benefits, overtime
- Employed directly on the site of work
- Paid at least on a weekly basis

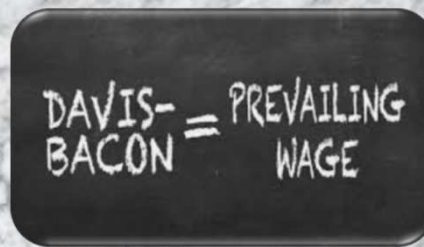


Davis Bacon Labor Standards can be found at 29 CFR §5.5

<https://www.ecfr.gov/current/title-29/subtitle-A/part-5/subpart-A/section-5.5>

Prevailing Wage (PW) is made up of **two** components:

Basic Hourly Rate + Fringe Benefits



- The PW can be found on the General Decision for the project.
- The contractor/subcontractor must pay the rate or higher, but never less.
- The PW may be paid in any combination of cash wages and “bona fide” fringe benefits.
 - The total may be paid entirely as cash wages;
 - Payments incurred by contractor for FB may be creditable towards fulfilling the requirement; or
 - A combination of cash wages paid and “bona fide” fringe may be used together to meet the total PW.

General Decision/Wage Rates

	Rates	Fringes
POWER EQUIPMENT OPERATOR: Grader/Blade, Milling Machine, Paver (Asphalt, Aggregate, and Concrete), Roller Asphalt.....	\$ 34.87	32.21

SUME2014-032 06/23/2017		
	Rates	Fringes
CARPENTER, Includes Form Work....	\$ 18.34	2.84
HIGHWAY/PARKING LOT STRIPING: Laborer.....	\$ 14.80 **	1.27
IRONWORKER, REINFORCING.....	\$ 16.27 **	0.00
LABORER: Asphalt, Includes Raker, Shoveler, Spreader and Distributor.....	\$ 15.06 **	2.72
LABORER: Common or General.....	\$ 14.02 **	2.16
LABORER: Landscape.....	\$ 18.69	2.70
LABORER: Wheelman.....	\$ 15.64 **	4.29
OPERATOR: Backhoe/Excavator/Trackhoe.....	\$ 19.52	5.15
OPERATOR: Bobcat/Skid Steer/Skid Loader.....	\$ 21.98	4.85
OPERATOR: Broom/Sweeper.....	\$ 19.09	5.20
OPERATOR: Bulldozer.....	\$ 17.30	3.50
OPERATOR: Loader.....	\$ 18.59	5.53
OPERATOR: Mechanic.....	\$ 21.91	8.55
OPERATOR: Screed.....	\$ 19.43	4.90
OPERATOR: Roller (Earth).....	\$ 16.43 **	3.40
TRAFFIC CONTROL: Flagger.....	\$ 9.38 **	0.00

- A list of classifications and wages per county that must be included in the contract bid book to show the prevailing wage rates to be paid for each worker classification.
- General Decision(s) should also be in Elation for each project.
- Federal General Decision – by county & type of work – can be found at: www.sam.gov/search/
- State Prevailing Wage Rates can be found at https://www.maine.gov/labor/labor_stats/publications/wagerateconst/index.shtml

MAINE
DEPARTMENT OF
LABOR



Prevailing Wage Examples

The General Decision rate for a Laborer requires:

Hourly Rate	\$ 15.00
Fringe Benefits*	<u>\$ 5.00</u>
Total PW	\$ 20.00

**Types of Fringe*

- *Life Insurance*
- *Health Insurance*
- *Pension*
- *Vacation*
- *Holiday*
- *Sick*

The contractor/subcontractor complies by paying one of the following:

1. \$20.00 in cash wages;
2. \$18.00 plus \$2.00 towards pension contributions or other “bona fide” benefit paid by the contractor; or
3. \$17.00 plus \$3.00 in pension or any combination of “bona fide” fb. In this case, overtime must be paid at one- and one-half times the basic hourly rate of \$15.00.

Project Specific Classification Request

Also known as SF 1444 or Wage Rate Request

- Utilized if a classification is not on the General Decision.
- Once the parties involved receives a copy of the conformance, it must be included on the jobsite bulletin board.
- Return times can vary. If you do not receive an answer within two weeks, contact Jen in Civil Rights.

If the subcontractor is requesting the rate, once they sign the form, it is routed to the prime, who submits it to Civil Rights, and follows the shown path.





RESIDENT RESPONSIBILITIES

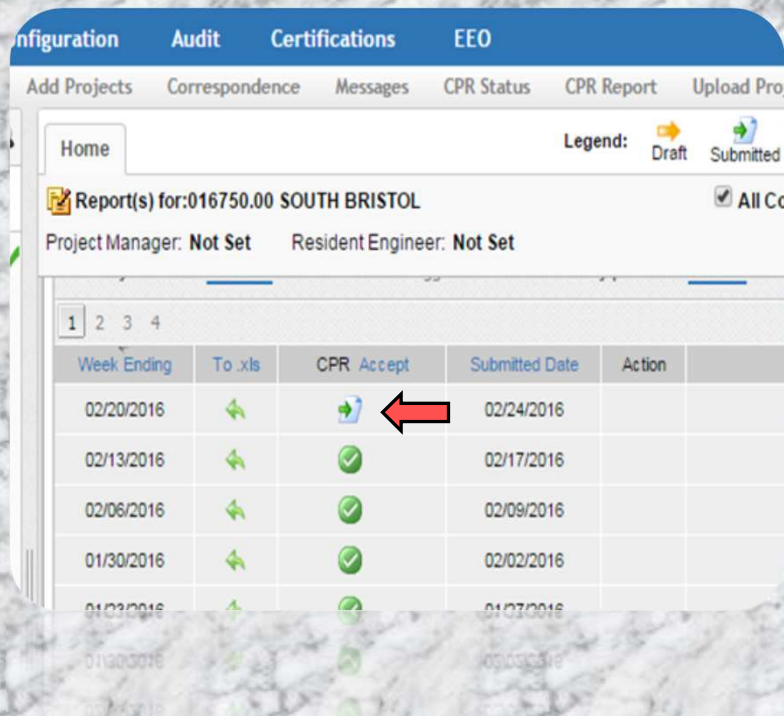
CERTIFIED PAYROLL APPROVAL

PROMPT PAYMENT REPORTS

LABOR SITE INTERVIEWS

JOB SITE BULLETIN BOARD

CERTIFIED PAYROLL APPROVAL



Week Ending	To .xls	CPR Accept	Submitted Date	Action
02/20/2016			02/24/2016	
02/13/2016			02/17/2016	
02/06/2016			02/09/2016	
01/30/2016			02/02/2016	
01/23/2016			01/27/2016	
01/16/2016			01/20/2016	
01/09/2016			01/13/2016	

Certified Payroll Approvals












- Must be checked regularly and approved if there are no errors.
- Duties performed and hours worked by covered workers must be consistent with contractor CPRs and with what workers report in payroll interviews.

Payroll Discrepancies



- indicates that there is a discrepancy in the rate of pay for a worker. Restitution may apply.
- Indicates that there was a calculation error.
- Any payrolls with those symbols should NOT be approved until the contractor or sub corrects the error.
- Any questions or concerns, please reach out.

PROMPT PAYMENT REPORTS


Total Payments Confirmed:		6 (\$2,148,537.54)			
Incoming Payments		Status: <u>All status</u> New Confirmed Rejected Void			
Issue Date	Amount	Check #	Status	Contract	
03-03-2023 (SC)	\$159,835.00	3039119794		020502.01	
02-17-2023 (SC)	\$370,845.35	2179099153		020502.01	
02-03-2023 (SC)	\$513,658.00	2039078394		020502.01	
01-12-2023 (SC)	\$416,281.69	1139046418		020502.01	
12-01-2022 (SC)	\$397,169.50	2028986418		020502.01	
Outgoing Payments		Status: <u>All status</u> New Confirmed Rejected Void Draft			
Issue Date	Amount	Check #	Status	Contract	
03-01-2023 (SC)	\$975.00	200930		020502.01- Sargent Corp...	
02-01-2023 (SC)	\$560.00	200500		020502.01- FUTURE Agen...	
02-01-2023 (SC)	\$21,376.87	200507		020502.01- Sargent Corp...	
12-14-2022 (SC)	\$88,968.75	199823		020502.01- Sargent Corp...	


- The resident is not responsible for ensuring contractor or subcontractor approves payments, but we request that you periodically remind them.
- If contractor or subcontractor inquire about prompt payment, you can let them know that they must accept payments within 30 days.
 - If they haven't received an expected payment, instruct them to contact our office immediately.

LABOR SITE INTERVIEWS

- Labor site interview form can be found on the main page for the project.
- Click on Labor Standard Interview.
- As the information is filled out in the yellow section, it will remember the information for future interviews.
- If the forms are done on paper, you can upload the documents by clicking on “Attach File”

Report(s) for: 004270.10 AUGUSTA WESTERN AVENUE ☒ All Contractors ☐ Pending For Review ☐ Pending For Correction ☒ D

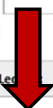
Project Manager: [Shawn Smith](#) Resident Engineer: [Seth Wills](#) Last Login: 02/12/2016  [Site Interview](#)

 [Project Team](#)

Field Report/Site Visit


Search

Project Name: Contractor Name: ☐ Assign by Me ☒ Assign to Me ☐ Reconcile ☐ Followed

 [LABOR STANDARDS INTERVIEW](#) [Contractor Na...](#) [# Employee](#) [Report Date](#) [Report By](#) [Inter...](#) [Comments](#) [Reconcile](#) [Void](#)

LABOR STANDARDS INTERVIEW

Contract Number And Location Select		Employee Inform	
ME		Last Name	First Name
<input type="text"/>		<input type="text"/>	<input type="text"/>
Name Of Prime Contractor		Street Address	
<input type="text"/>		<input type="text"/>	
Name Of Employer Select		City	State
<input type="text"/>		<input type="text"/>	<input type="text"/>
Supervisor's Name		Work Classification Select	
<input type="text"/>		<input type="text"/>	

[Attach File](#) [Comments](#) 

LABOR STANDARDS INTERVIEW

Employee Information			
<input type="text"/>	Last Name	First Name	MI
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

LABOR SITE INTERVIEW APPLICATION



Look for this logo when you go to download to your mobile phone.

Why use the mobile phone app?

- Much easier, eliminates paper, no more uploading!
- Signatures can be done with your finger or a stylus
- Can be used on your mobile phone or tablet/iPad.
- Available on both Apple and Android devices.

A screenshot of the Labor Site Interview login screen. At the top is the Elation Systems logo, consisting of the letters "ES" in a stylized blue font followed by the words "Elation Systems" in a smaller blue font. Below the logo is a horizontal line, followed by the title "Labor Site Interview" in a blue font. Underneath the title are two input fields: "Login Name" and "Password", each with a horizontal line for text entry. Below these fields is a blue button with the text "Sign On" in white.



JOB SITE BULLETIN BOARD

- Must be put up by **first day** of construction activity.
- Must be accessible to **workers and public, 24/7**.
- Usually kept outside the field office or similar place.
- Must remain **readable** throughout a project.

JOB SITE BULLETIN BOARD

- Federal and state posters are required on the bulletin board
- Updated posters can be found on the R: drive for Civil Rights Office on the Public area.
- If you need any posters you can contact our office and we can email you the posters you need.

STATE OF MAINE REQUIRED POSTERS			FEDERAL GOVERNMENT REQUIRED POSTERS		
1 Maine Minimum Wage Rev. 2024	2 Whistleblower Protection Act Rev. 11.2019	3 Worker's Compensation (WCB-90) Rev. 1.2020	12 Know Your Rights Workplace Discrimination is Illegal Rev. 06.2023	13 Fair Labor Standards Act Federal Minimum Wage (WHD 1008) Rev. 04.2023	14 Employee Rights Gov't Contracts (WHD-1313) Rev. 04.2009
4 Occupational Safety & Health Regulations Rev. 11.2019	5 Child Labor Laws Rev. 11.2019	6 Regulations of Employment Rev. 12.2023	15 Family Medical Leave Act (WH-1420) Rev. 04.2023	16 Notice to Workers with Disabilities Paid at Special Minimum Wages (WH-1284) Rev. 01.2018	17 Employee Polygraph Protection Act (WH-1462) Rev. 02.2022
7 Sexual Harrassment Rev. 10.20.2012	8 Maine Equal Pay Law Rev. 02.2022	9 Maine Employment Security Act Rev. 11.2019	18 Uniformed Services Employment & Reemployment Rights Act (USERRA) Rev. 04.2022	19 Employee Rights Under Davis Bacon Act (WH-1321) Rev. 10.20/2017	20 NOTICE Federal Aid Projects (FHWA-1022) Rev. 05.2015
10 Veterans' Benefits & Services (If employer has more than 50 F/T employees) 3.2024	11 Maine Domestic Violence Rev. 09.2015	State Wage Determinations (State Funded Projects Only)	21 Job Safety & Health It's the Law (OSHA-3165) Rev. 04.20.2019	22 Federal Wage Decisions Additional Project Specific Rates	23 Contractor's UPDATED EEO Policy with EEO Officer Contact Info.

CONTRACTOR'S GUIDE TO DAVIS BACON

CIVIL RIGHTS OFFICE WEBSITE:

<http://www.maine.gov/mdot/civilrights/>

Click on Davis-Bacon Act & Labor Compliance
Scroll down to MaineDOT Contractor's Guide to Davis Bacon
Choose either PDF or Word



A CONTRACTOR'S GUIDE TO DAVIS-BACON

PREVAILING WAGE REQUIREMENTS FOR FEDERALLY-ASSISTED PROJECTS

Maine Department of Transportation
Civil Rights Office
#16 State House Station
Augusta, Maine 04333-0016

Office: (207) 624-3066 Fax: (207) 624-3021

CIVIL RIGHTS OFFICE

Sherry Tompkins, Director of Civil Rights

Mary Bryant

EEO Program Specialist
Disadvantaged Business Enterprise
Environmental Justice
Limited English Proficiency
Title VI Compliance

Jen Laliberte

EEO Program Specialist
Davis Bacon Act
Elation Software
Equal Employment Opportunity
On-the-Job Training Supportive Services

Amy McCann

EEO Officer
Program
Administration

Civil Rights Office Staff Contact Information

Staff Member	Title	Office Number	Email Address	Cell Phone
Mary Bryant	EEO Program Specialist	(207) 624-3056	Mary.bryant@maine.gov	(207) 446-2453
Jen Laliberte	EEO Program Specialist	(207) 624-3036	Jennifer.e.Laliberte@maine.gov	(207) 485-6902
Amy McCann	EEO Officer	(207)		
Sherry Tompkins	Director	(207) 624-3066	Sherry.tompkins@maine.gov	(207) 592-0686

In the event that the intended person is unavailable, please feel free to reach out to one of the other members of the Civil Rights Team for assistance.

